

al
concl.
machine awards a prize, the gaming machine further including a feature of a changing representation of the awarding of the prize and a player-operable control device which, upon manipulation by a player, controls an outcome of the representation to determine an amount awarded to the player, the prize, if any, awarded to the player being dependent on when, during the occurrence of the feature, the player operates the control device.

REMARKS

Dear Sirs:

This is in response to the Office Action of December 18, 2002, in which the Examiner indicated that claims 8 and 13 would be allowable. Applicants appreciate the Examiner's indication of allowable subject matter. The Examiner however:

- (a) objected to the title as not being descriptive;
- (b) objected to the drawings;
- (c) rejected claims 1-4, 15 and 16 as anticipated by Weiss (U.S. Patent No. 6,142,873;
- (d) rejected claims 5-7, 9-12 and 14 as obvious over Weiss in view of Huard (U.S. Patent No. 5,743,800); and
- (e) rejected claim 17 as obvious over Weiss and Walker.

Based on the above amendments and following remarks the application is deemed to be in condition for allowance and action toward that end is respectfully requested.

I. THE OBJECTION TO THE TITLE SHOULD BE WITHDRAWN

The Examiner has objected to the title as being insufficiently descriptive. The new title is more descriptive and the objection to the title should accordingly be withdrawn.

II. THE OBJECTIONS TO THE DRAWINGS SHOULD BE WITHDRAWN

The Examiner has indicated that the drawings are objected to because of issues noted on the Notice of Draftsperson's Patent Drawings Review. The Applicants have submitted, along with a letter to the Official Draftsperson, a set of formal drawings which, it is respectfully submitted, overcomes the Draftsperson's objections.

III. THE REJECTION IN VIEW OF THE REFERENCES SHOULD BE WITHDRAWN

The Examiner has rejected claims 1-4, 15 and 16 under 35 USC 102(e) as being anticipated by US Patent No. 6,142,873 (Weiss).

Applicant has amended claim 1 as set out above more clearly to distinguish the invention over the teachings of Weiss. In particular, the feature has been included of the prize, if any, awarded to the player being dependent on when, during the occurrence of the feature, the player operates the control device. This feature is not disclosed, taught or otherwise suggested in Weiss.

More particularly, Weiss discloses that, when the feature is triggered, in one embodiment, the player can attempt to achieve a bonus amount. If the player achieves the exact amount, a jackpot amount is awarded. If the player achieves any less than the bonus amount, the lesser amount is awarded, but if the player overshoots the bonus amount, no bonus is awarded. More pertinently, there is no time limitation imposed upon the player to make a selection in this embodiment of the invention. Theoretically, the player could take as long as he or she desires to make the selection without any risk to the amount won up to that time.

In other words, Weiss allows the player a choice after each prize has been selected either to take the current win or to continue to attempt to shoot for the bonus amount. The time it takes for the player to make the decision has no effect on the outcome of the player's decision. (Column 2, lines 1-8 and column 4, lines 1-25).

Weiss also discloses a second embodiment which makes use of a well known chocolate-type wheel with segments each having multipliers. If the player spins up a low multiplier value, the player is offered the option of a further spin of the wheel in order to attempt to obtain higher multiplier value. The risk to the player is that one of the segments of the wheel has a "lose" amount so that if the pointer points to that segment the player effectively loses the bonus amount. (Column 4, lines 45-59).

Once again, this embodiment of Weiss is silent as to any time limitation imposed on the player to make a decision as to whether or not to re-spin the wheel. Thus, theoretically, the player could take as long as he or she desires to make the decision without adversely affecting the outcome of the bonus award.

In contrast, the present invention, as claimed, requires the player to make a decision while the bonus indicator is incrementing, without player intervention, as to when to stop the bonus indicator in order to win the prize. The player is therefore exposed to the pressure of knowing that, the longer the player waits to press the control device, the higher the possibility of losing the bonus amount in total but the greater the chance of winning a higher prize. Hence, the player can take the safe option and win a small prize by pressing the control device immediately or the player can risk losing altogether to take the chance of a much larger prize. Therefore, in the present invention as claimed, the volatility is affected by the timing of the manipulation of the control device. The suspense is enhanced by the animations of the graphical representation of the awarding of the prize.

It is respectfully submitted that none of the other art cited by the Examiner discloses the features of the invention as now claimed in claim 1.

In the circumstances, it is respectfully submitted that the invention as now claimed in claim 1 of the present application is patentably distinguishable over the art and, more particularly, Weiss relied on by the Examiner. As claims 2-17 depend directly or indirectly from claim 1, it is submitted that they are also in condition for allowance.

Reconsideration and withdrawal of the rejection of the claims under 35 USC §102(e) is respectfully requested.

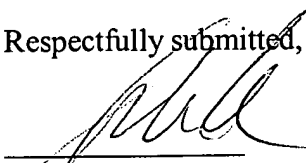
CONCLUSION

In view of the above, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims an/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case be passed to issue.

Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,


Shahar Islam

Dated: March 14, 2003
KMZ Rosenman
575 Madison Avenue
New York, NY 10022
Tel. (212) 940-3844

APPENDIX**CLAIM 1 (MARKED-UP COPY)**

1 (Amended). A gaming machine having a display means and a game control means arranged to control images displayed on the display means, the game control means being arranged to play a game wherein one or more random events are caused to be displayed on the display means and, if a predefined winning event results, the machine awards a prize, [the gaming machine being characterized in that it includes] the gaming machine further including a feature of a changing representation of the awarding of the prize and a player-operable control device which, upon manipulation by a player, controls an outcome of the representation to determine an amount awarded to the player, the prize, if any, awarded to the player being dependent on when, during the occurrence of the feature, the player operates the control device.